

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LOCAL 3621, EMS OFFICERS UNION, DC-37, AFSCME,
AFL-CIO, et al.,

Plaintiffs,

against

THE CITY OF NEW YORK, et al.,

Defendants.

CIVIL ACTION NO.: 18 Civ. 4476 (LJL) (SLC)

ORDER

SARAH L. CAVE, United States Magistrate Judge.

The Court has reviewed Plaintiffs' letter at ECF No. 371 regarding the March 26, 2021 Rule 30(b)(6) deposition of the Demographic Data Witness (the "Deposition"). As explained below, Defendants are not in compliance with the Court's orders directing them to provide a legend for the Demographic Data that was the subject of the Deposition.

On March 5, 2021 the Court ordered defendants to "[p]rovide the data legend . . . on which the Rule 30(b)(6) Demographic Witness is testifying" before the deposition. (ECF No. 353). On March 16, 2021, the Court stated that "it is apparent that parts of the legend produced by Defendants are cut off, and parts of the legend are explained with additional codes," and ordered Defendants to "produce a complete legend of all codes, not just the HRIS codes, at least 72 hours before the deposition is scheduled to take place" or, if no additional legend existed, ordered that "the Rule 30(b)(6) Demographic Witness . . . be prepared to answer questions regarding the codes and descriptions. (ECF No. 362 at 2–3).

As evidenced by the Deposition transcript, the witness agreed that certain codes appeared to be cut off (ECF No. 371-1 at 140:10–14 ("Q: the descriptions in that box, there are

several of them that are cut off, correct? . . . A: That's the appearance I'm getting.")), could not testify as to the meaning of certain codes (*id.* at 140:18–141:1 ("Q: . . . It says 'EAC 6,' 'DVC 7' and so forth . . . Do you know what that is? . . . A: No.")), and explained that he had not been prepared to testify as to the descriptions or codes in the legend (*id.* at 143:1–8). The witness also described an "internal" legend that his department, Payroll, used to understand various codes. (*Id.* at 120:9–21) ("Q: What does 1 mean in that title suffix? . . . A: At this time, I can't say what 1 means. I would have to look at a legend – again, it's very hard to remember everything we have. So without looking at the legend, it would be hard for me to make that determination. Q: And does a legend in fact exist for the suffix codes? . . . A: We most likely have one that we referred to that we created in-house for my unit.").

Accordingly, by **April 13, 2021** Defendants must produce a complete legend for the Demographic Data codes, as required by the Court's March 5, 2021 and March 16, 2021 Orders (see ECF Nos. 353, 362), including the "internal" Payroll legend described during the Deposition, and a corrected version of the legend with cut-off descriptions (described during the Deposition as a box "copied and pasted" into an Excel Spreadsheet, shown as Exhibit 259). (ECF No. 371-1 at 139:13–140:14).

Defendants are warned that failure to comply with this Order may itself result in sanctions.

Dated: New York, New York
 March 30, 2021

SO ORDERED



SARAH L. CAVE
United States Magistrate Judge